

## DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR  
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San Francisco, CA 94102  
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July 1, 2002

Dennis Hall  
Purchasing Contracts Supervisor  
East Bay Municipal Utility District  
375 Eleventh Street  
Oakland, CA 94607-4240

Re: Public Works Case No. 2002-005  
Hauling and Disposal of Wastewater Materials  
East Bay Municipal Utility District Wastewater Treatment  
Plant

Dear Mr. Hall:

This letter constitutes the determination of the Director of the Department of Industrial Relations regarding coverage of the above-referenced project under California's prevailing wage laws and is made pursuant to Title 8, California Code of Regulations section 16001(a). Based upon my review of the documents submitted and an analysis of the relevant facts and the applicable law, I have determined that the hauling and disposal of wastewater materials from the East Bay Municipal Utility District ("District") Wastewater Treatment Plant is a public work subject to the requirement to pay prevailing wages.

District is a public utility district. On April 23, 2002, it contracted with Total Waste Systems, Inc. ("Contractor") for the daily hauling and disposal of wastewater grit, screenings and skimmings from District's Wastewater Treatment Plant in Oakland to appropriate landfills. The grit may include gravel, sand, silt, seeds, coffee grounds, shells, pits and similar materials. The screenings and skimmings are removed from the fine screening at the Wastewater Treatment Plant head works. The screenings may consist of paper, plastic, rags, wood, rocks, large pieces of organic material and other coarse debris. The skimmings are made up of fats, cooking oils and greases, plastics and rubber products.

What is now Labor Code<sup>1</sup> section 1720(a)(2) generally defines "public works" to mean: "Work done for irrigation, utility, reclamation, and improvement districts and other districts of this type ...."

<sup>1</sup> Unless otherwise indicated, all subsequent statutory references are to the Labor Code.

Letter to Dennis Hall  
Re: Public Works Case No. 2002-005  
July 1, 2002  
Page 2

Under section 1720(a)(2), the hauling and disposal from the Wastewater Treatment Plant is a public work because it is work done for a utility district. As such, prevailing wages must be paid to the truckers who perform the work.

I hope this determination satisfactorily answers your inquiry.

Sincerely,

A handwritten signature in cursive script, reading "Stephen J. Smith".

Stephen J. Smith  
Director